

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 309

CASE NO. 79-1

March 20, 1980

EMERGENCY ORDER

Whereas, on February 8, 1979, the Zoning Commission considered and discussed whether an emergency existed in the District of Columbia regarding the location of hotels in residential districts, and

Whereas, at that time, the Zoning Commission determined that no such emergency existed but that hearings on the entire issue of the regulation of hotels should be scheduled on an expedited basis; and

Whereas, hearings on the subject were held on April 2, May 7, and June 11, 1979, at which hearings the Zoning Commission heard testimony from many persons on a large variety of issues concerning hotels; and

Whereas, in the record of the case, there is evidence that the owner of three apartment buildings in an R-5-C District at 1954, 2006 and 2022 Columbia Road, N. W., proposed to sell the buildings to the adjacent Washington Hilton hotel to be used by the hotel, for the purpose of expanding the present hotel; and

Whereas, in the record of the case, there is evidence that the Fairfax Hotel intends to expand onto a parking lot that it owns immediately adjacent to the hotel in an R-5-D District on Massachusetts Avenue, N. W.; and

Whereas, it was and still is likely that there are other hotels situated in R-5 residential districts which are planning to expand, and that such expansion could be onto property containing existing apartments; and

Whereas, if the Washington Hilton and other hotels were permitted to expand as a matter-of-right, such expansion could effectively pre-empt the opinions of the Zoning

Commission in deciding the case, and preclude the Commission from acting to protect the health, safety and general welfare of the District of Columbia by causing the loss of a significant number of apartment units in residential districts; and

Whereas, on August 9, 1979, the Zoning Commission adopted Order No. 291, which amended the Zoning Regulations on an emergency basis to preserve the status quo and prevent any new or expanded hotel from razing or converting existing residential structures; and

Whereas, on December 3, 1979, the Zoning Commission adopted Order 302, which found a continuing emergency concerning protection of apartment buildings in residential districts and continued on an emergency basis the prohibition on razing or converting existing residential structures for hotel use; and

Whereas, the amendments contained in Order No. 302 can remain in effect for no more than 120 days, and will thus expire on April 1, 1980; and

Whereas, on January 17 and 21, 1980, the Zoning Commission held additional public hearings on a set of specific text amendment proposals concerning the regulation of hotels; and

Whereas, the record of that hearing closed on January 31, 1980; and

Whereas, the Zoning Commission met on February 14, and March 20, 1980 to discuss the case and deliberate upon the proposed amendments; and

Whereas, at the March 20, 1980 meeting, the Zoning Commission arrived at some tentative conclusions about regulating hotels in the various zone districts in the District of Columbia; and

Whereas, the Zoning Commission has directed its staff to prepare proposed text language to amend the Zoning Regulations in accordance with the discussions of the Commission as a basis for taking proposed action on the matter, and

Whereas, the staff of the Zoning Commission requires additional time to complete the language necessary for the Commission to take proposed action, and the Commission then will require additional time to refer the matter to the National Capital Planning Commission and complete a rule-making process as required by the District of Columbia

Administrative Procedures Act; and

Whereas, the same conditions exist today to threaten the public welfare which existed on August 9 and December 3, 1979 and if the emergency amendment expires without permanent regulations in effect, the location or expansion of hotels in residential districts could effectively pre-empt the options of the Zoning Commission in deciding the case and adversely effect the general welfare, and

Whereas, Section 1 of the Zoning Act (Act of June 20, 1938, 52 Stat. 797, also cited as Section 5-413 of the D. C. Code) establishes the authority of the Zoning Commission "to promote the health, safety, morals, convenience, order prosperity, or general welfare of the District of Columbia," and

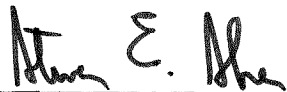
Whereas, Section 1-1505 of the District of Columbia Code authorizes the Zoning Commission to take emergency action for a period not to exceed 120 days "for the immediate preservation of the public peace, health, safety, welfare or morals,"

Now Therefore, the Zoning Commission resolves that an emergency exists, and that it is necessary to take immediate action to continue to preserve the status quo and to prohibit any new or expanded hotels from displacing existing residential structures in residential districts until the Zoning Commission has made a decision on this case. It is therefore ORDERED that Paragraph 3105.34, which permits hotels in R-5 Districts, shall read as follows:

"Hotel, only in R-5-B, R-5-C, or R-5-D Districts, provided that no residential structures existing upon the effective date of this order may be razed or converted for this purpose."

This amendment shall take effect upon the expiration of Order No. 302 on April 1, 1980 and shall remain in effect for 120 days, or until permanent amendments regarding hotels are adopted by the Zoning Commission and become effective, whichever comes first.

BY ORDER OF THE DISTRICT OF COLUMBIA ZONING COMMISSION



STEVEN E. SHER
Executive Director

This order was adopted by the Zoning Commission at its public meeting held on March 20, 1980 by a vote of 4-0 (Walter B. Lewis, Ruby B. McZier, Theodore F. Mariani and John G. Parsons to adopt, George M. White not present, not voting).